

February 22, 2013

To: Executive Board

Subject: **Proposed 2013 Federal, State and Local Legislative Programs**

Recommendation

Adopt the proposed 2013 Federal, State and Local Legislative Programs as outlined in **Attachments A, B and C.**

Analysis

The 2013 Federal Legislative Program will help guide staff recommendations and actions on federal proposals during the upcoming year. Foothill Transit's proposed federal legislative program is provided in **Attachment A**. This program continues our efforts to strengthen our relationships with our representatives in Washington, D.C. as well as our relationships with their staff members and the staff of the various committees and regulatory agencies that could have an impact on Foothill Transit. Our goals are to build support for Foothill Transit and its programs and to secure funding for our capital program.

Below is a brief history of our efforts since 2003:

In 2003, the Foothill Transit Executive Board approved a TEA-21 Six-Year Reauthorization request for \$39 million and an FY 2004 Federal Appropriations request for \$6.5 million for our Transit Oriented Neighborhood Program (TONP). Foothill Transit received a FY 2004 Appropriations earmark of \$2.5 million.

In 2004, Foothill Transit again requested the \$6.5 million that was part of our TEA-21 Six-Year Reauthorization request of \$39 million and included the \$4 million from the FY 2004 request we did not receive. Foothill Transit received a FY 2005 Appropriations discretionary grant of \$200,000.

In 2005, Foothill Transit requested \$10 million, of which \$6.5 million was part of our TEA-21 Six-Year Reauthorization request of \$39 million and \$3.5 million not included in the FY 2005 and FY 2006 earmarks that were requested. Foothill Transit received a FY 2006 Appropriations earmark of \$3.3 million and a SAFETEA-LU discretionary grant of \$7.9 million for the six-year reauthorization period.

In 2006, Foothill Transit requested \$10 million. Unfortunately, the 109th Congress failed to complete work on the appropriations bill and the new 110th Congress decided not to include earmarks in their budget and passed the responsibility for distribution to the Federal Transit Administration (FTA). We submitted an application to the FTA, but received no funding.

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In 2007, Foothill Transit requested \$10 million and received a FY 2008 earmark of \$500,000. This amount is in addition to the approximately \$2.1 million received in SAFETEA-LU funding.

In 2008, Foothill Transit shifted its federal request proposal to the funding of compressed natural gas (CNG) replacement buses. We requested \$5 million and received a FY 2009 earmark of \$1.18 million. This amount is in addition to the approximately \$2.1 million in SAFETEA-LU funding.

In 2009, a decision was made to not pursue a FY 2010 Section 5309 discretionary funding appropriation because we had been awarded over \$20 million in American Recovery & Reinvestment Act (ARRA) funds that were targeted for a number of important capital projects over the ensuing years. Our congressional delegation staff expressed appreciation for our willingness to pass on a funding request in order for other agencies who may not have received ARRA funding to receive this annual appropriations funding as well as being good stewards of federal taxpayers' dollars.

In 2010, Foothill Transit requested \$5 million in FY 2011 Section 5309 discretionary funding for replacement buses that would be used to assist us in converting the remainder of our fleet to CNG as well as other alternative fuels including electric battery power. Unfortunately, the 111th Congress did not pass the FY 2011 Transportation, Housing and Urban Development (HUD) Bill and instead passed a Continuing Resolution (CR) to fund all federal government programs through March 4, 2011. With the new Republican majority in the House of Representatives, the final version of the FY 2011 Transportation and HUD Bill by the 112th Congress did not include federal discretionary funding.

In 2011, the Board recommended that Foothill Transit not pursue a FY 2012 Section 5309 discretionary funding appropriation due to our solid capital budget position which was a result of prior appropriations and authorizations funding awards, approximately \$20 million in ARRA funding and over \$10 million awarded to us under the Transit Investments for Greenhouse Gas and Energy Reduction (TIGGER) Grant Program for our Ecoliner all electric bus program.

In 2012, the Board recommended that Foothill Transit not pursue a FY 2013 Section 5309 funding appropriation due to the moratorium Congress has put on federal discretionary funding and our continuing strong capital budget position.

This year, similar to the situation in 2012, pursuing a FY2014 Section 5309 discretionary appropriation is not recommended due to the moratorium Congress has put on federal discretionary earmarks and the strength of our current capital budget position.

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Our federal efforts will continue to be supported by Jan Powell of the firm Baker, Donelson, Bearman, Caldwell & Berkowitz. Jan acts as our advocate in Washington, D.C. when Board members or staff cannot be there to directly represent Foothill Transit.

The 2013 State and Local Legislative Programs will help guide staff recommendations and actions on state and local proposals during the upcoming year. Each year a legislative program is prepared for adoption by the Foothill Transit Executive Board. The program will serve as a guide for pursuing Foothill Transit's legislative proposals and strategies and is meant to be flexible in order to give the administrative team the leeway to pursue unanticipated legislative opportunities that may present themselves during the course of the year, such as advocating for legislation that is consistent with **Attachments B and C**.

On a monthly basis, staff will continue to prepare a state legislative update that will ask the Board to approve staff recommendations on individual bills and policies that affect Foothill Transit's interests. The same will be done for federal and local issues as the need arises.

Our state efforts will continue to be supported by Tim Egan of the firm Capital Representation Group, Inc. In 2008, the Foothill Transit Board awarded a contract to Capital Representation Group, Inc. to act as our advocate in Sacramento when Board members or staff cannot be there to directly represent Foothill Transit. Last year, the Foothill Transit Board authorized a new two-year contract to Capital Representation Group to continue state advocacy in 2013 and 2014.

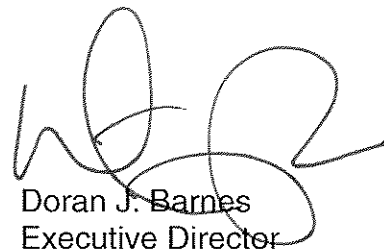
Budget Impact

Foothill Transit's budget provides funding for Board Members and staff to meet with elected officials and their staff members in Washington, D.C. and in Sacramento. Adoption of this plan will require the continuation of these efforts, with their associated costs.

Sincerely,



David Reyno
Director of Government Relations



Doran J. Barnes
Executive Director

Attachment

Proposed 2013 Federal Legislative Program

Goal #1:

Ensure that federal policy decisions are beneficial to Foothill Transit's operations or funding.

Proposed Action Items:

1. **Federal Advocacy:** Meet with Foothill Transit's House and Senate representatives and/or their staff throughout the year to advocate for ongoing federal funding for our nation's transportation projects, key transportation related legislation and thank them for their hard work for Foothill Transit in past appropriations bills, authorization bills and legislation.

Ensure that implementation of MAP-21 advantages transit in all possible programs, advocate for passage of a new six-year surface transportation authorization bill, reinstatement of federal section 5309 discretionary spending earmarks for transportation projects, long term extension of the alternate fuels excise tax credit, developing a permanent federal solution for bus axle weight limits, equal federal income tax treatment for employer-provided transit passes, vanpool benefits and parking spaces, Southern California Regional Transit Training Consortium (SCRTTC) on its FY2014 legislative efforts to obtain federal funds to streamline bus maintenance training for alternative fuel buses and passage of legislation that would allow public transit agencies to use a portion of their federal transit funding for day-to-day operating expenses.

2. **American Public Transportation Association (APTA):** Maintain active participation of staff in APTA activities, including Strategic Planning, Human Resources, Legislative, Finance and Marketing committees. Work to make sure APTA's positions reflect those of Foothill Transit.
3. **Support Legislation:** In general, Foothill Transit will support federal legislation or rules that:
 - Enhance Foothill Transit's ability to deliver effective and efficient transportation services.
 - Increase transit funding.
 - Encourage transit-oriented development throughout the United States.
4. **Oppose Legislation:** In general, Foothill Transit will oppose federal legislation or rules that:
 - Inhibit Foothill Transit's ability to deliver effective and efficient transportation services.
 - Divert current funding or ignore the need for increased transit funding.

Proposed 2013 Federal Legislative Program

Goal #2:

Establish a strong presence with Foothill Transit's federal legislative delegation and their staff.

Proposed Action Items:

1. Board Members, the Director of Government Relations and Executive Director will meet with federal representatives and/or key staff on a regular basis to improve relations, develop relations with new delegation members and discuss issues of concern to Foothill Transit both locally and in Washington D.C. Staff will continue to extend invitations to elected officials to familiarize them with Foothill Transit capital projects and tour our facilities.
2. Foothill Transit representatives will attend the APTA Annual Legislative Conference and participate in APTA legislative committee and subcommittee meetings to ensure Foothill Transit's interests are represented at the federal level.

2013 State Legislative Program

Goal #1:

Ensure that state policy decisions are beneficial to Foothill Transit's operations or funding.

Proposed Action Items:

1. **Monthly updates:** Continue to provide monthly updates to the Executive Board on significant legislation and initiatives.
2. **State Advocacy:** Advocate for the maximum amount of funding under the California State Budget, Measure R, full allocation of 2008's Proposition 1B and 1C, Transit Development Act (TDA), State Transit Assistance (STA), connection between transit operations funding, AB 32, SB 375 and a new funding stream from the Cap and Trade regulation adopted by the California Air Resources Board (CARB), full, guaranteed transit funding under 2010's Proposition 22 and 26, a permanent state solution for bus axle weight limits and modifications to the California Environmental Quality Act (CEQA) to advantage public transit projects like park and ride facilities
3. **California Transit Association (CTA):** Maintain active participation of staff in CTA activities, including Executive and Legislative committees. Work to make sure CTA's positions reflect those of Foothill Transit's.
4. **Support Legislation:** In general, Foothill Transit will support state legislation or rules that:
 - Enhance Foothill Transit's ability to deliver effective and efficient transportation services,
 - Increase transit funding,
 - Increase state funding for welfare-to-work transportation programs,
 - Encourage transit-oriented development in California.
 - Provide relief from excessive taxes.
5. **Oppose Legislation:** In general, Foothill Transit will oppose state legislation or rules that:
 - Inhibit Foothill Transit's ability to deliver effective and efficient transportation services,
 - Divert current funding or ignore the need for increased transit funding.

Goal #2:

Establish a strong presence with Foothill Transit's state legislative delegation and their staff.

Proposed Action Items:

1. The Director of Government Relations will contact local representatives and/or key staff on a regular basis to continue positive relations and discuss issues of concern to Foothill Transit both locally and in Sacramento. Staff will continue to extend invitations to elected officials to familiarize them with Foothill Transit capital projects and tour our facilities.
2. Local representatives and their staff will continue to receive Foothill Transit publications as well as invitations to Foothill Transit events.
3. Foothill Transit representatives will participate in the CTA Legislative and Annual Conferences, League of Cities Legislative Action Days and California Chamber of Commerce Business Legislative Summit to promote relations with elected officials at the leadership and transportation committee levels.
4. Staff will continue to attend legislative functions in the Los Angeles area, such as the various Legislative Power Lunches, San Gabriel Valley Public Affairs Network luncheons, San Gabriel Valley Economic Partnership Legislative Reception and similar events.

2013 Local Legislative Program

Goal #1:

Ensure that policy decisions made by regional planning and programming entities are beneficial to Foothill Transit.

Proposed Action Items:

1. **Local Advocacy:** Formally support or oppose Metro, SGVCOG and SCAG positions on issues that affect Foothill Transit and the other municipal operators. Work through the Bus Operations Subcommittee and LACMOA to craft solutions to potential areas of concern.
2. **Local Legislative Committees:** Attend various local legislative committee meetings (i.e., San Gabriel Valley Economic Partnership, Chambers of Commerce, San Gabriel Valley Public Affairs Network, San Gabriel Valley Council of Governments, etc.).

Goal #2:

Maintain strong relationships with elected officials and staff in member cities as well as with staff and General Managers of other municipal operators.

Proposed Action Items:

1. Regularly participate in meetings of the SGVCOG, SGVEP, Metro, SCAG, the League of California Cities-LA County Division, Los Angeles County General Managers and Los Angeles County Municipal Operators Association (LACMOA).
2. Monitor service area city council meetings and local newspapers to ensure that fixed route transportation needs are being met.
3. Treat local officials as “constituents” and respond in a timely manner to their concerns about Foothill Transit’s policies and service.
4. Ensure that Foothill Transit publications are distributed to the offices of all local officials and city managers in order to provide updates on current events at Foothill Transit.
5. Distribute Executive Director’s weekly report to all Governing Board members and other interested individuals via e-mail and/or fax.